

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 95-155

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 93-048) FOR:

**WESTERN MICROWAVE, INC. AND  
SOBRATO DEVELOPMENT COMPANIES**

for the property located at

**1271 REAMWOOD AVENUE  
SUNNYVALE  
SANTA CLARA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. **Regulatory Status:** Pursuant to California Water Code Section 13304, the Board adopted site cleanup requirements (Order 93-048) ("SCR") for this site on May 19, 1993. The SCR was amended by Order 93-088A on August 20 to establish time-certain deadlines for two tasks.
2. **Enforcement Actions:** In the past, the Board has taken two enforcement actions against Western Microwave, Inc. ("WMI") for its failure to comply with the requirements of the SCR.
  - (1) On July 21, 1993, the Board imposed administrative civil liability ("ACL") of \$21,500 (Order 93-088) against WMI for failure to submit adequate workplans for remedial investigation and interim remedial measures. WMI paid this ACL on July 1, 1995, after a court ruling in May 1995.
  - (2) On April 19, 1995, the Board imposed ACL in the amount of \$600,000 against WMI for its non-compliance with the requirements of the SCR (Order 95-089), issued pursuant to California Water Code Section 13350. One hundred thousand dollars (\$100,000) of this liability was ordered to be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of the order. The remaining \$500,000 would be suspended by the Board if a satisfactory settlement agreement is reached by June 21, 1995, between WMI and the Board, and if in the Board's opinion the \$500,000 is used for appropriate investigation and remediation of the site.
3. **Settlement Agreement:** On June 21, 1995, the Board adopted Resolution 95-139 and authorized its Executive Officer to sign a settlement agreement between the Board and WMI. The Resolution suspends the remaining \$500,000 of the ACL imposed by

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Order 95-089 provided that WMI complies with the various requirements in the settlement agreement. The settlement agreement revises the deadlines for certain tasks in the SCR to be accomplished by WMI and further allows the Board to amend Order 93-048. The purpose of this amendment is to incorporate the revised task deadlines into the SCR.

4. **CEQA:** This action is an amendment of an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15321 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order 93-048 (Site Cleanup Requirements) shall be further amended as follows:

- A. Provision C.3.a through C.3.d shall be replaced with the following:

- a. **TASK 1: Implementation of Interim Remedial Measures for Groundwater**

**COMPLETION DATE: August 1, 1995**

Submit a technical report acceptable to the Executive Officer which documents implementation of interim remedial measures for groundwater pollution.

- b. **TASK 2: Completion of Contaminated Soil Remediation**

**COMPLETION DATE: September 1, 1995**

Submit a technical report acceptable to the Executive Officer which documents completion of contaminated soil remediation.

- c. **TASK 3: Evaluate and Propose Final Remediation Plan**

**COMPLETION DATE: June 1, 1996**

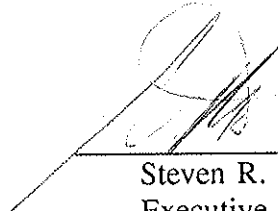
Submit a technical report acceptable to the Executive Officer which contains a plan for the proposed remedial actions and implementation schedule. The report shall evaluate the effectiveness of the interim remedial actions which have been implemented. This report shall identify polluted soils and groundwater and evaluate the need and alternatives for the cleanup of polluted soils, control of a migrating groundwater pollution plume, or conducting pilot or treatability studies for the proposed remedial actions. The proposed

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remedial alternatives shall reduce the volume, mobility, and toxicity of pollutants. Cleanup standards shall consider a risk-based approach for all pollutants that may remain in the soil or groundwater, in addition to the factors cited in Provision 5 of site cleanup requirements (Order 93-048). The report shall include a schedule for the tasks and time schedule for implementation of the recommended remedial actions.

Pursuant to California Water Code Sections 13304, 13350, 13385, 13386, 13387, if the dischargers fail to comply with the provisions of this amendment to the Site Cleanup Requirements (Orders 93-048 and 93-088A), the Executive Officer may request the Attorney General to take appropriate enforcement action against the dischargers including injunctive relief; or the Regional Board may schedule a hearing to consider requesting the Attorney General to take appropriate enforcement action against the dischargers, including injunctive and civil monetary remedies; or the Board may schedule a hearing to administratively impose civil liability not to exceed five thousand dollars (\$5,000) for each day the Order is violated.

7/18/95  
Date

  
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Steven R. Ritchie  
Executive Officer